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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/579,568

02/16/2007

Andre Dietrich

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CROWELL & MORING LLP
INTELLECTUAL PROPERTY GROUP
P.O. BOX 14300
WASHINGTON, DC 20044-4300

EXAMINER

LUGO, CARLOS

ART UNIT

PAPER NUMBER

3673

MAIL DATE

DELIVERY MODE

11/20/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/579,568	Applicant(s) DIETRICH ET AL.	
	Examiner CARLOS LUGO	Art Unit 3673	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 February 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 February 2007 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input checked="" type="checkbox"/> Other: <u>attachment #1</u> . |

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the open and closed positions of the locking bars (claim 1), the movement of the actuator element (claim 1), the spring biasing the cover (claim 18), and the locking element in the locking and release positions, holding and releasing the locking bars (claim 19), must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.
2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "5.2" has been used to designate both as a teeth rack and as a catch flange.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

3. The specification is objected to because of the following informalities:

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- Paragraph 18 Line 13, change “locking sections 4.1 and 5.2” to -locking sections 4.1 and 5.1-.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

- The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. **Claims 19 and 21 are rejected** under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 19 recites that the locking bars are held in the open position by a locking element and then automatically brought into a release position. However, the claims omit essential elements and function of how this is possible. Appropriate correction is required.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. **Claims 11-13, 15, and 20 are rejected** under 35 U.S.C. 102(b) as being anticipated by JP 6046765 (JP ‘765).

JP ‘765 discloses a locking device for a cover (3) of a glove compartment of motor vehicles, which is positioned so as to swivel on an associated frame. The

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locking device comprises first and second locking bars (6), each having locking sections engaging behind an associated locking contour on the frame to hold the cover in a closed position; an actuation element (7, 8 and 9) by which the locking bars are synchronously displaceable from a locked position to a release position for opening the cover; and a spring (10).

Wherein, the actuation element is positioned on a frame side and, for opening the cover, interacts with its locking section on the first locking bar, displacing it in the opening direction, the second locking bar also being moved into its release position.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. **Claims 14 and 16 are rejected** under 35 U.S.C. 103(a) as being unpatentable over JP 6046765 (JP '765) in view of US Pat No 4,476,700 to King.

JP '765 fails to disclose that the locking bars are mechanically coupled to each other by a gear and toothed rack sections. At the instant, JP '765 discloses that the locking bars (6) are connected to a cam/link coupling (4 and 5).

King teaches that it is well known in the art to provide sliding locking bars (17 and 30) being mechanically coupled to each other by a gear/toothed rack coupling (28 and 26 and 31).

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It would have been obvious to provide the mechanical coupling described by JP '765 with a gear/toothed rack coupling, as taught by King, in order to provide a simple and easy to install mechanical coupling that would not affect the mechanism and movement of the device.

10. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over JP 6046765 (JP '765) in view of US Pat No 4,895,401 to Thornton et al (Thornton).

JP '765 fails to disclose that the actuation element is a push button and a disengaging element. JP '765 discloses the use of a different element that includes a motor (8) a link (9) and a disengaging member (7) interacting with the first locking section.

Thornton teaches that it is well known in the art to provide a locking device having a locking bar (14) that has a locking section interacting with a disengaging member (23) of an actuator element. The disengaging member is connected to a push button (26) so that when it is pushed, it would disengage the locking bar.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the actuator element described by JP '765 as a push button, as taught by Thornton, in order to provide a simple and effective way to operate the locking device.

11. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over JP 6046765 (JP '765) in view of US Pat No 4,552,399 to Atarashi.

JP '765 fails to disclose that the cover is biased by a spring.

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Atarashi teaches that it is well known in the art to provide a cover (2) of a glove box that has a spring member (18) to aid in the smooth movement of the cover.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the cover described by JP '765 with a spring, as taught by Atarashi, in order to aid in the smooth movement of the cover.

12. Claims 19 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP 6046765 (JP '765) in view of US Pat No 4,478,444 to Kurz et al (Kurz).

JP '765 fails to disclose that the locking bars are held in the open position and then released during a closing movement.

Kurz teaches that it is well known in the art to held in an open position (Fig. 6) a latching bar (24) and released (Fig. 5) during a closing movement of a door (22) by means of a detent pawl (35).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the Device described by JP '765 with a detent pawl, as taught by Kurz, in order to give protection to the locking bars when the cover is open.

Conclusion

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to CARLOS LUGO whose telephone number is (571)272-7058. The examiner can normally be reached on 10-7pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patricia Engle can be reached on 571-272-6660. The fax phone number

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for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Carlos Lugo/
Primary Examiner
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November 17, 2008.

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